IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

MONDAY, THE 6TH AUGUST 2007 / 15TH SRAVANA 1929

WP(C).No. 20081 of 2007(N)

PETITIONER:

SULAIMAN KUNJU, AGED 65 YEARS,
S/O. MUHAMMED KUNJU, ELUMALAKAYALVARATHU,
NJARAKKAL CHERRY, THRIKKARUA VILLAGE, KOLLAM.

BY ADV. SRI.V.JAYAPRADEEP

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY
THE PRINCIPAL SECRETARY TO THE GOVERNMENT,
DEPARTMENT OF LOCAL SELF GOVERNMENT,
SECRETARIAT, THIRUVANANTHAPURAM.

2. THRIKKADAVOOR GRAMA PANCHAYAT,
PERINAD P.O., KOLLAM, REPRESENTED BY
ITS SECRETARY.

BY ADV. SRI.N.UNNIKRISHNAN
GOVT. PLEADER SRI.P.K.RAVIKRISHNAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 06/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1	TRUE COPY OF THE NOTICE DTD. 15-09-06 OF R2 ISSUED TO THE PETITIONER.
EXT.P2	TRUE COPY OF THE INJUNCTION ORDER NO.1A 4126/06 IN O.S.NO.666/06 THE MUNSIFF COURT, KOLLAM DTD. 26-09-06
EXT.P3	THE COPY OF THE OBJECTION DD. 23-1-07 OF R2 IN OS.NO.666/06
EXT.P4	TRUE COPY OF THE WRITTEN STATEMENT OF R2 IN O.S.NO.666/06
EXT.P5	TRUE COPY OF THE MAHAZAR PREPARED BY THE SECRETARY OF R2
EXT.P6(A)	TRUE COPY OF THE POSTAL RECEIPT OF THEO RDER SENT BY R2
EXT.P6(B)	THE COPY OF THE POSTAL RECEIPT, ACKNOWLEDGMENT CARD SIGNED BY THE PETITIONER.
EXT.P7	THE COPY OF THE ORDER ISSUED BY THE SECRETARY OF R2 DTD.23-05-2007
EXT.P8	THE COPY OF THE LETTER OF THE PETITIONER DTD. 10-06-06
EXT.P9	THE COPY OF THE OBJECTION FILED BY R2 DTD. 12-06-2007

SECOND RESPONDENT'S EXHIBITS

EXT.R2(A)	TRUE COPY OF LEASE DEED DTD. 19-02-2004
EXT.R2(B)	TRUE COPY OF NOTICE NO.A4/520/05 DD. 8-6-06
EXT.R2(C)	TRUE COPY OF NOTICE NO.A4-520/05 DTD. 15-09-06
EXT.R2(D)	TRUE COPY OF ORDER DD. 16-06-07 IN I.A.NO.2383/07 IN O.S. NO.666/06

/True Copy/

PA to Judge.

K.M.JOSEPH, J.

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W.P.(C).No. 20081 OF 2007

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Dated this the 6th day of August, 2007

JUDGMENT

Petitioner challenges Ext.P7. Petitioner seeks a direction to the second respondent to re-open the shop room of the petitioner. Case of the petitioner in brief is as follows:

Petitioner is a goldsmith and a tenant of the second respondent. There was a threat of the second respondent and the petitioner obtained injunction order from the Munsiff Court, Kollam, it is stated. It is further stated that inspite of that, second respondent forcefully shut up the leased shop room and sealed it. Petitioner was served with notice under Rule 7 of Kerala Panchayat Raj (Acquisition and Disposal of Property) Rules. There is reference to the written statement of the Panchayat in the suit to contend that Ext.P7 is contradictory to the same.

2. Detailed counter affidavit is filed by the second respondent denying the allegations and producing various

documents. At the course of hearing, learned counsel for the petitioner submits that petitioner is prepared to pay the amount mentioned in Ext.P7 i.e. Rs.3,31,383/- and seeks some time. Learned counsel for the Panchayat submits that if the petitioner remits the said amount and files an application for renewal in accordance with the Rules, the Panchayat will consider the case of the petitioner.

In such circumstances, the writ petition is disposed of as follows:

If the petitioner remits Rs. 2,75,000/- (Rupees Two Lakh Seventy Five Thousand) within ten days from today and pays the balance amount remaining out of Rs. 3,31,383/- within one month from today and also submits an application seeking renewal of the licence, the Committee of the second respondent will sympathetically consider and take a decision on the application for renewal of licence within five weeks from today.

(K.M.JOSEPH, JUDGE)

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